

LEGAL NEWSLETTER

No. 25 – February 2025 – Capable Counsel

I. Commercial sector

1.1. **Circular 09/2025/TT-BCT stipulating dossiers, order, procedures and methods of determining and approving the electricity generation price bracket; stipulating dossiers, order and procedures for formulation and approval of electricity import price brackets promulgated by the Minister of Industry and Trade**

This Circular details a number of articles of the Electricity Law No. 61/2024/QH15, including:

- Clause 5, Article 46 stipulates dossiers, order and procedures for formulation and approval of electricity import price brackets, methods of making electricity import price brackets;
- Clause 3, Article 51 of the Electricity Law stipulates dossiers, order, procedures and methods of determining electricity generation price brackets; approve the electricity generation price bracket developed and submitted by the electricity unit.

This Circular applies to the following subjects:

- Agencies, organizations and individuals owning power plants operating in the territory of the Socialist Republic of Vietnam connected to the national power system, except for multi-purpose strategic hydropower plants and small renewable energy plants applying avoidable cost tariffs, power plants and units providing auxiliary services; power plants shall apply the electricity purchase price mechanism in documents of competent authorities.
- Domestic organizations that import electricity from organizations and individuals in the territory of the Lao People's Democratic Republic (hereinafter referred to as Laos) and the People's Republic of China (hereinafter referred to as China).
- Electricity of Vietnam.

- Other relevant organizations and individuals.

This Circular takes effect from February 1, 2025.

To annul the following Circulars:

- Circular No. 57/2014/TT-BCT dated December 19, 2014 of the Minister of Industry and Trade regulating methods and order of formulating and promulgating the electricity generation price bracket;
- Circular No. 31/2022/TT-BCT dated November 08, 2022 of the Minister of Industry and Trade amending and supplementing a number of articles of Circular No. 57/2014/TT-BCT dated December 19, 2014 regulating methods and order of formulating and promulgating the electricity generation price bracket and Circular No. 57/2020/TT-BCT dated December 31, 2020 of the Minister of Industry and Trade regulating the method of determining electricity generation prices, power purchase and sale contracts;
- Circular No. 19/2023/TT-BCT dated November 1, 2023 of the Minister of Industry and Trade regulating the method of building a power generation price bracket applicable to solar and wind power plants;
- Circular No. 20/2024/TT-BCT dated October 10, 2024 of the Minister of Industry and Trade stipulating the method of setting up the power generation price bracket of solid waste power plants and biomass power plants;
- Circular No. 15/2022/TT-BCT dated October 3, 2022 of the Minister of Industry and Trade stipulating the method of building a power generation price bracket for transitional solar and wind power plants.

1.2. Circular 17/2025/TT-BCT stipulates the method of formulation and the order and procedures for approving the electricity wholesale price bracket; methods of determining electricity wholesale prices; main contents of electricity wholesale contracts promulgated by the Minister of Industry and Trade

This Circular provides for the method of formulation and the order and procedures for approving the electricity wholesale price bracket; the method of determining the wholesale electricity price and the main contents of the electricity wholesale contract of the Electricity of Vietnam with the Electricity Corporation as prescribed

in Clause 5, Article 44 and Point d, Clause 3, Article 50 of the Electricity Law No. 61/2024/QH15.

This Circular applies to the Electricity of Vietnam; Electricity Corporation; relevant organizations and individuals.

This Circular takes effect from February 1, 2025.

To annul the following Circulars:

- Circular No. 26/2024/TT-BCT dated November 15, 2024 of the Minister of Industry and Trade regulating the method of establishing the electricity wholesale price bracket;
- Circular No. 39/2015/TT-BCT dated November 18, 2015 of the Minister of Industry and Trade regulating the distribution power system;

To annul Articles 3, 4 and 7 of Circular No. 12/2024/TT-BCT dated August 1, 2024 of the Minister of Industry and Trade amending and supplementing a number of Circulars of the Minister of Industry and Trade related to the dispatching and operation of the national power system and electricity market.

The method of formulation, appraisal and approval of the wholesale electricity price bracket in 2024 will continue to be implemented in accordance with the provisions of Circular No. 26/2024/TT-BCT.

1.3. Circular 12/2025/TT-BCT stipulating the method of determining the price of power generation services; principles for calculating electricity prices for the implementation of electricity projects; main contents of power purchase contracts promulgated by the Minister of Industry and Trade

This Circular provides detailed guidance on Clause 3, Article 12, Clause 5, Article 44, Point g, Clause 1, Article 51 of the Electricity Law No. 61/2024/QH15 on the method of determining electricity generation service prices; principles for calculating electricity prices for the implementation of electricity projects; main contents of the power purchase and sale contract.

This Circular applies to the following subjects:

- Power plants operating in the territory of the Socialist Republic of Vietnam connected to the national power system;
- Other relevant agencies, organizations and individuals.

Contents on the method of determining the price of electricity generation services; principles for calculating electricity prices for the implementation of electricity projects; The main contents of the power purchase agreement specified in this Circular do not apply to the following subjects: multi-purpose strategic hydropower plants, small renewable energy plants applying the avoidable cost tariff mechanism, independent power plants invested in the form of Build-Operate-Transfer (BOT), power plants and units providing auxiliary services; power plants shall apply the electricity purchase price mechanism in documents of competent authorities.

1.4. Circular 07/2025/TT-BKHDT stipulating the classification of statistics by economic type issued by the Minister of Planning and Investment

This Circular prescribes the purposes, grounds, principles, list and contents of statistical classification by economic type.

This Circular applies to agencies, organizations and individuals that provide, produce and use statistical information according to economic types.

Purpose of classification of statistics by economic type: Statistical classification by economic type is promulgated for use in state statistical activities. Statistical classification by economic type is the basis for classifying economic units of the same nature into the corresponding economic type.

This Circular takes effect from May 1, 2025.

II. Taxes, fees and charges sector

2.1. Decree 20/2025/ND-CP amending Decree 132/2020/ND-CP regulating tax administration for enterprises with related-party transactions

Amending and supplementing a number of articles of the Government's Decree No. 132/2020/ND-CP dated November 05, 2020 regulating tax administration for enterprises with related-party transactions:

- To amend and supplement Points d, k and to supplement Point m, Clause 2, Article 5.
- To amend and supplement Clause 2, Article 21.

Replacing Appendix I - Information on related-party relations and related-party transactions promulgated together with the Government's Decree No. 132/2020/ND-CP dated November 05, 2020 regulating tax administration for enterprises with related-party transactions by Appendix I promulgated together with this Decree.

In case, in the corporate income tax period of 2020, 2021, 2022 and 2023, the borrowing enterprise only has an associated relationship with an economic organization operating in accordance with the provisions of the Law on Credit Institutions specified at Point d, Clause 2, Article 5 of Decree No. 132/2020/ND-CP and the borrowing enterprise with the lender or guarantor falls into the case specified at Points d.1 and d.2, Clause 2, Article 5 of Decree No. 132/2020/ND-CP amended and supplemented in Article 1 of this Decree, having related-party transactions within the scope of regulation in Clause 2, Article 1 of Decree No. 132/2020/ND-CP and having non-deductible loan interest expenses as prescribed at Point a, Clause 3, Article 16 of Decree No. 132/2020/ND-CP, from the tax period in 2024 shall be implemented as follows:

In case the enterprise does not have an association relationship and does not incur related party transactions as prescribed in Decree No. 132/2020/ND-CP and this Decree, the loan interest expense is not deductible and has not been carried forward to the next tax periods as of the end of the 2023 tax period according to the regulations on the time of transfer of interest expenses at Point b, Clause 3, Article 16 of Decree No. 132/2020/ND-CP.

In case an enterprise has an association relationship and associated transaction as prescribed in Decree No. 132/2020/ND-CP and this Decree, interest expenses are not deductible and have not been carried forward to subsequent tax periods in accordance with the provisions of Point b, Clause 3, Article 16 of Decree No. 132/2020/ND-CP.

This Decree takes effect from March 27, 2025 and applies from the corporate income tax period of 2024.

2.2. Decree No. 21/2025/ND-CP amending Article 9 of Decree No. 26/2023/ND-CP on Export Tariff, Preferential Import Tariff, List of Goods and Absolute Tariffs, Mixed Taxes, Import Taxes Outside Tariff Quotas

Amending the name of Article 9 and Clause 1, Article 9 of the Government's Decree No. 26/2023/ND-CP dated May 31, 2023 on export tariffs, preferential import tariffs, lists of goods and absolute tax rates, mixed taxes, and import taxes outside tariff quotas.

This Decree takes effect from the date of signing for promulgation.

Preferential import tax rates for raw materials, supplies and components for the production and processing (assembly) of supporting industry products prioritized for development for the automobile manufacturing and assembly industry specified in this Decree shall be applied until December 31, 2027. Enterprises that have registered to participate in the Automobile Supporting Industry Tax Incentive Program specified before the effective date of this Decree are not required to re-register for the Automobile Supporting Industry Tax Incentive Program and are entitled to incentives as prescribed in this Decree.

2.3. Decree 23/2025/ND-CP regulating electronic signatures and trusted services

This Decree provides for electronic signatures and trusted services, except for official-duty digital signatures and official-duty digital signature authentication services.

This Decree applies to agencies, organizations and individuals directly involved in or related to e-signatures and trusted services.

This Decree takes effect from April 10, 2025.

Decree No. 130/2018/ND-CP dated September 27, 2018 of the Government detailing the implementation of the Law on Electronic Transactions on digital signatures and digital signature authentication services and Decree No. 48/2024/ND-CP dated May 9, 2024 of the Government amending and supplementing a number of articles of Decree No. 130/2018/ND-CP dated September 27, 2018 of the Government regulating detailing the implementation of the Law on Electronic Transactions on digital signatures and digital signature

authentication services shall cease to be effective from the effective date of this Decree, except for the cases specified in Article 47 of this Decree.

2.4. Notice 275/TB-TCT in 2025 changing the name of the agency of the General Department of Taxation

Former name: General Department of Taxation.

New name: Tax Department.

Head office: 1A Nguyen Cong Tru - Dong Nhan ward - Hai Ba Trung district - Hanoi.

Effective time: From 01/3/2025. Administrative, financial transactions and documents sent to the General Department of Taxation, please use the new name of the agency.

III. Labor – salary sector:

3.1. Circular 03/2025/TT-BLDTBXH stipulating labor classification standards according to working conditions issued by the Minister of Labor, War Invalids and Social Affairs

This Circular prescribes labor classification standards according to working conditions.

Subjects of application: Agencies, organizations and individuals that classify labor according to working conditions. Employers as prescribed in Clause 5, Article 2 of the Law on Occupational Safety and Health.

Occupations and jobs with working conditions are classified I, II, III as non-heavy, non-toxic and non-dangerous occupations and jobs; occupations and jobs with working conditions are classified IV as heavy, hazardous and dangerous occupations and jobs; occupations and jobs with working conditions are classified V and VI as particularly heavy, hazardous and dangerous occupations and jobs.

This Circular takes effect from April 1, 2025.

Circular No. 29/2021/TT-BLDTBXH dated December 28, 2021 of the Minister of Labor, War Invalids and Social Affairs stipulating classification standards according to working conditions expires from the effective date of this Circular.

3.2. Notice 630/TB-BLDTBXH in 2025 on the situation of occupational accidents in 2024 issued by the Ministry of Labor, War Invalids and Social Affairs

The Ministry of Labor, War Invalids and Social Affairs will notify sectors and localities of the situation of occupational accidents in 2024 and a number of main solutions to proactively prevent occupational incidents and accidents in 2025.

According to the report of 62/63 provinces and centrally-run cities[1], in 2024, there will be 8,286 occupational accidents (occupational accidents) nationwide (an increase of 892 cases, equivalent to 12.1% compared to 2023), causing 8,472 victims (an increase of 919 people, equivalent to 12.2% compared to 2023) (including areas with labor relations and areas where employees do not work labor contract).

3.3. Decision 437/QD-BLDTBXH in 2025 announcing the list of administrative procedures received at the Department of Receiving and Returning Results of Administrative Procedures under the one-stop-shop, one-stop-shop mechanism at the Directorate of Vocational Education issued by the Ministry of Labor, War Invalids and Social Affairs

Announced together with this Decision the list of administrative procedures received at the Division of Receiving and Returning Results of Settlement of Administrative Procedures under the one-stop-shop, one-stop-shop mechanism at the Directorate of Vocational Education.

No.	Code	Name of administrative procedure	Decision on announcement
1	2.000250	Grant, re-grant, renewal and supplementation of certificates of assessment and issuance of national vocational skills certificates	Decision No. 922/QD-BLDTBXH dated 12/7/2024
2	1.000567	Issuance, re-issuance, renewal and supplementation of national vocational skills assessor cards	Decision No. 922/QD-BLDTBXH dated 12/7/2024
3	1.000546	Issuance, renewal and re-issuance of national vocational skills certificates	Decision No. 922/QD-BLDTBXH dated 12/7/2024

4	1.000298	Issuance of certificates of eligibility for vocational education quality accreditation activities	Decision No. 219/QD-LDTBXH dated 03/3/2023
5	1.000295	Re-issuance of the Certificate of eligibility for vocational education quality accreditation activities	Decision No. 219/QD-LDTBXH dated 03/3/2023
6	1.000293	Allow the accreditation organization to resume vocational education quality accreditation activities when the reasons for suspension are remedied	Decision No. 219/QD-LDTBXH dated 03/3/2023
7	1.000291	Revocation of the Certificate of eligibility for vocational education quality accreditation activities in case the accrediting organization requests the termination of vocational education quality accreditation activities	Decision No. 219/QD-LDTBXH dated 03/3/2023
8	1.000286	Issuance of vocational education quality assessor card	Decision No. 219/QD-LDTBXH dated 03/3/2023
9	1.000169	Re-issuance of vocational education quality assessor card	Decision No. 219/QD-LDTBXH dated 03/3/2023
10	1.004474	Establishment of the College	Decision No. 445/QD-LDTBXH dated 30/5/2022
11	1.000611	Division, separation and merger of colleges	Decision No. 445/QD-LDTBXH dated 30/5/2022
12	2.000245	Dissolution of the college	Decision No. 445/QD-LDTBXH dated 30/5/2022
13	2.001686	Termination of college branch operations	Decision No. 445/QD-LDTBXH dated 30/5/2022

14	1.000257	Changing the name of the college	Decision No. 445/QD-LDTBXH dated 30/5/2022
15	1.000252	Issuance of certificates of registration of vocational education activities for colleges	Decision No. 445/QD-LDTBXH dated 30/5/2022
16	1.000249	Issuance of certificates of additional registration of vocational education activities for colleges	Decision No. 445/QD-LDTBXH dated 30/5/2022
17	1.005293	Allowing the establishment of foreign-invested colleges; Foreign-invested colleges operating on a non-profit basis	Decision No. 445/QD-LDTBXH dated 30/5/2022
18	1.000174	Division, separation and merger of foreign-invested colleges	Decision No. 445/QD-LDTBXH dated 30/5/2022
19	1.000367	Changing the name of a foreign-invested college	Decision No. 445/QD-LDTBXH dated 30/5/2022
20	1.000179	Issuance of certificates of registration of joint training activities with foreign countries for colleges	Decision No. 445/QD-LDTBXH dated 30/5/2022
21	1.000177	Allowing the establishment of branches of foreign-invested colleges	Decision No. 445/QD-LDTBXH dated 30/5/2022
22	2.000170	Dissolution of foreign-invested colleges; termination of branch operation of foreign-invested colleges	Decision No. 445/QD-LDTBXH dated 30/5/2022
23	1.000159	Amendment, supplementation, extension and re-issuance of licenses for establishment of representative offices of foreign organizations and vocational education institutions in Vietnam	Decision No. 445/QD-LDTBXH dated 30/5/2022

24	1.000145	Allowing the establishment of private, not-for-profit colleges	Decision No. 445/QD-LDTBXH dated 30/5/2022
25	1.000561	Recognition of private colleges and foreign-invested colleges transformed into non-profit operations	Decision No. 445/QD-LDTBXH dated 30/5/2022
26	1.010924	Establishment, allowing the establishment of a branch of the college	Decision No. 445/QD-LDTBXH dated 30/5/2022
27	1.010926	Termination of joint training activities with foreign countries of colleges	Decision No. 445/QD-LDTBXH dated 30/5/2022
28	1.010580	Accreditation of private college boards	Decision No. 1396/QD-LDTBXH dated 13/12/2021
29	1.010581	Replacing presidents, secretaries and members of the board of directors of private colleges; Termination of Board of Directors	Decision No. 1396/QD-LDTBXH dated 13/12/2021
30	1.010582	Accreditation of Principals of Private Colleges	Decision No. 1396/QD-LDTBXH dated 13/12/2021
31	1.010583	Stop recognizing the principal of a private college	Decision No. 1396/QD-LDTBXH dated 13/12/2021
32	2.000130	Establishment of representative offices of foreign vocational education organizations and institutions in Vietnam	Decision No. 981/QD-LDTBXH dated 10/7/2019

This Decision takes effect from the date of signing.